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Doctor's Clinical; GERO VITA, INC.;

NUTRIVITA LABORATORIES, INC.;

VITASTRONG, INC., d/b/a GardaVita

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

IMAGENETIX, INC.,

Plaintiff,

v.

ROBINSON PHARMA, INC., et. al.,

Defendants.

Case No. SACV15-599 JLS (JCGx)

DISCOVERY STIPULATION

Fact Discovery Cut-Off: 7/26/16
Trial Date: 1/10/17

DISCOVERY STIPULATION

Agreement Overview

With the exception of Document Request No. 1 from Plaintiff's First Set of Document Requests and with the exception of email searches (both of which are discussed below), each Defendant agrees to respond fully to Plaintiff's First Set of Document Requests and Second Set of Document Requests. Documents will not be withheld on the basis of date range. Each Defendant (including each officer, director, employee, executive, and document source likely to have responsive information), as well as DRM Resources and Alpha Health Research (including each officer, director, employee, executive, and document source likely to have responsive information), will be searched. If Defendants' fulfillment centers have responsive information not contained by DRM and Alpha, then searches will be conducted for such information. Defendants' counsel of record will conduct searches for responsive documents and will review documents for responsiveness. In doing so, Defendants' counsel will assess whether backups exist of servers or other document storage sources and will ensure such document storage sources are preserved and searched. Defendants' counsel will also issue a litigation hold notice to individuals likely to have responsive and relevant information.

Each Defendant will also fully respond to each interrogatory Plaintiff has propounded.

Request 1 from Plaintiff's First Set of Document Requests

Defendants will search for the following categories of documents responsive to Request No. 1 from Plaintiff's First Set of Document Requests:¹

- a. all transactional data related to the Accused Products as kept in the ordinary course of business, without limit by date, including the quantity of the Accused Products sold, the revenue and margin of the Accused Products sold, the name and contact information for the entity or individual who purchased the Accused Products;
- b. all marketing and promotional materials related to the Accused Products, including advertisements, trade fair materials, website materials, presentations, video and audio commercials, brochures, fliers, newsletters, product labeling, magazines, *etc.*;
- c. all manufacturing and scientific materials related to the Accused Products, including formulations;
- d. all agreements and contracts regarding the Accused Products with retailers, manufacturers, the other Defendants, *etc.*

¹ As with the other requests, each Defendant (including each officer, director, employee, executive, and document source likely to have responsive information), as well as DRM Resources and Alpha Health Research (including each officer, director, employee, executive, and document source likely to have responsive information), will be searched. If Defendants' fulfillment centers have responsive information not contained by DRM and Alpha, then searches will be conducted for such information.

e. all communications with distributors and retailers regarding the
Accused Products.

E-Mail Search

Defendants (including DRM and Alpha) will collect e-mails from relevant
custodians using commonly-used terms, which will include the following terms:²

Arthro
Arthro-7
Arthro-8
Osteoarthritis
OA
CMO
“Cetyl-myristoleate”
cetyl
myristoleate
cm
Imagenetix
Spencer
Giffhorn
Nikken
DRM
Patent
676
Celadrin
Walgreens
CVS
Rite
“Rite-Aid”
Study
Studies
676
joint
“joint relief”
arthritis
rheumatoid
Jandra
Thomas

² The terms will not be case sensitive.

1 *Further Discovery Disputes*

2 The parties agree and hereby waive the requirements of Local Rule 37. If there
3 are further discovery disputes that cannot be resolved by the parties themselves, such
4 dispute shall be submitted to the Court by telephonic conference, and the parties will
5 submit letter briefs to the Court if so instructed at that time.
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9 Respectfully submitted,
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11 Dated: May 5, 2016

KOTCHEN & LOW LLP

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13 By: /s/Daniel Kotchen _____
14 Daniel Kotchen
Michael von Klemperer

15 Attorneys for IMAGENETIX, INC.
16

17 Dated: May 5, 2016

NG DO KHANH, PC

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19 By: /s/Anthony Cartee _____
20 Daniel Do-Khanh
Anthony Cartee

21 Attorneys for ROBINSON PHARMA, INC.;
22 DOCTOR'S CLINICAL, INC.; GERO
23 VITA, INC.; NUTRIVITA
LABORATORIES, INC.; VITASTRONG,
INC.
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